

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  )  
                  v.                            ) CRIMINAL NO. 04-10294-GAO  
  )  
DWIGHT COLE                                    )

MOTION TO CONTINUE HEARING

Defendant Dwight Cole, by his counsel, respectfully moves to continue the Rule 11 proceeding in this matter, now scheduled for September 28, 2005. Because Mr. Cole has just been released from in-patient rehabilitation, defense counsel needs additional time to meet with his client and to prepare for the hearing.

Defendant moves to exclude the time to the next hearing in the interest of justice.

The government has no objection to this motion.

DWIGHT COLE  
By his attorney,

/s/ Charles P. McGinty

Charles P. McGinty  
B.B.O. #333480  
Federal Defender Office  
408 Atlantic Avenue, 3rd Floor  
Boston, MA 02110  
Tel: 617-223-8061

September 26, 2005